

PROB 12C
DMT Rev 4-16

FILED

JAN 05 2017

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MONTANA

Petition for Warrant for Offender Under Supervision

Name of Offender: James Pakootas

Docket Number: 0977 9:10CR00039-001

Name of Sentencing Judicial Officer: THE HONORABLE DONALD W. MOLLOY
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 04/29/2011

Original Offense: 21:846=ND.F; CONSPIRACY TO DISTRIBUTE NARCOTICS

Original Sentence: 60 months custody, 60 months supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: August 23, 2014

Assistant U.S. Attorney: Tara Elliot
PO Box 8329, Missoula, MT 59807, (406) 542-8851.

Defense Attorney: Federal Defenders of Montana
Federal Defenders Office, 125 Bank St, Suite 710, Missoula, MT 59802; (406) 721-6749

PETITIONING THE COURT

Background

On 04/29/2011, the defendant appeared for sentencing before THE HONORABLE DONALD W. MOLLOY, UNITED STATES DISTRICT JUDGE, having pled guilty to the offenses of 21:846=ND.F; CONSPIRACY TO DISTRIBUTE NARCOTICS. The offense involved the defendant conspiring to distribute cocaine throughout the Blackfeet Indian Reservation in Montana. The defendant was sentenced to 60 months custody, followed by 60 months supervised release. The defendant began the current term of supervised release on August 23, 2014. Upon release the defendant relocated to the Eastern District of Washington and has been supervised by that district. On January 4, 2017, the Eastern District of Washington submitted a violation report alleging the following violations of supervision:

Violation Number **Nature of Noncompliance**

1 **Mandatory condition:** The defendant shall not commit another federal, state, or local crime.

Supporting Evidence: Grand Coulee Police Department incident report number 16GC1583 states that on November 28, 2016, the offender was cited for Operating Motor Vehicle Without Insurance in violation of RCW 46.30.020 RCW 46.30.020.

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Supporting Evidence: Grand Coulee Washington Police Department incident report number 16GC1696 states that on December 22, 2016, the offender was cited for Vehicle Prowling 2nd degree, in violation of RCW 9A.52.100.1

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Mandatory condition: The defendant shall not possess a firearm, ammunition, destructive device or any other dangerous weapon.

Supporting Evidence: On September 22, 2016, a home contact and residence walk through was conducted. During the walkthrough it was learned that there were two firearms in the stepfather's bedroom. The offender was directed to have the firearms removed and to then have either himself or the stepfather contact the supervising officer to verify removal. To this date, no confirmation of firearm removal has been received.

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Standard condition: The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.

Supporting Evidence: In December 2016, a voice mail was left for the offender advising that the supervising officer would be conducting a home visit on December 13, 2016. The offender was not at the residence when the supervising officer went to that location on December 13, 2016. A business card was left in the door on that date. On December 14, 2016, a voice mail message was left for the offender on his cell phone directing him to contact the supervising officer. On December 22, 2016, letters were sent to the offender's physical address and post office box directing that he report to the supervising officer on January 4, 2016. On December 30, 2016, a voice mail message was left for the offender's mother advising that the supervising officer was attempting to contact the offender and requested a call. As of the writing of this report, the offender has not made contact with the supervising officer.

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Standard condition: The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

Supporting Evidence: Grand Coulee Washington Police Department incident report number 16GC1696 states that on December 22, 2016, the offender drove an individual to a Napa store and that the male exited to steal fuel from the victim's vehicle. When law enforcement asked the offender why he was helping an individual steal fuel, the offender advised he was broke and just trying to get by.

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Standard condition: The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

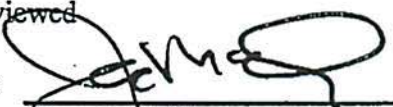
Supporting Evidence: On November 28, 2016, the offender was cited for operating a vehicle without insurance. On December 22, 2016, the offender was cited for second degree vehicle prowl. On December 30, 2016, the offender was cited for a turn signal infraction and for operating a motor vehicle without insurance. As of the writing of this report, the offender has not made contact with the supervising officer.

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a warrant.

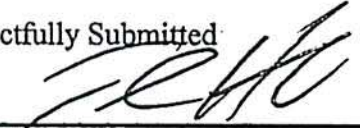
Reviewed

By:


Joseph McElroy
Supervising United States Probation
Officer
Date: 01/04/2017

Respectfully Submitted

By:

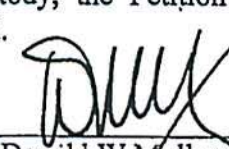

Tucker Hood
United States Probation Officer

Date: 01/04/2017

ORDER OF COURT

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 5th day of January, 2017, and ordered filed **UNDER SEAL** and made a part of the records in the above case.

IT IS FURTHER ORDERED that upon notification to the Clerk of Court's Office that the above named Defendant has been taken into custody, the Petition for Warrant or Summons for Offender Under Supervision shall be unsealed.


Donald W. Molloy
United States District Judge

Date

January 5, 2017